Dardanelles before the closing. *Held,* that a reasonable apprehension of the impending closing of the Dardanelles, though justified by the event, did not constitute a restraint of princes, and the defendant was not excused. *Watts & Co. Ltd. v. Mitsui & Co. Ltd.* [1917] A. C. 227.

The question decided was similar to that involved in the case of the *Kronprinzessin Cecilie,* discussed in (1917) 26 YALE LAW JOURNAL, 247, 791, in which the decision of the United States Circuit Court of Appeals that the owners of the ship were not excused by reasonable apprehension of war, was reversed by the Supreme Court. The opinion in the Supreme Court cites as authority a dictum in the English case in the Court of Appeal, which appears to be contradicted by the above decision of the House of Lords.

CONFLICT OF LAWS—EX PARTE DECREE OF JUDICIAL SEPARATION—FOREIGN RECOGNITION.—A husband and wife from the time of their marriage in New York never lived together. The wife, "domiciled" in New York, procured an *ex parte* divorce from bed and board, on grounds of cruelty. When her husband, domiciled throughout in Connecticut, began suit there for divorce *a vinculo* for desertion, she introduced the New York decree to justify her living apart. *Held,* that such a decree, as opposed to full divorce, did not affect the marriage status, was personal in its nature, and was not in any way effective in another state unless entered by a court having jurisdiction over the defendant. *Pettis v. Pettis* (1917) 91 Conn. 608, 101 Atl. 13. See COMMENTS, p. 117.

CONFLICT OF LAWS—FOREIGN MARRIAGE—REMARRIAGE PROHIBITED FOR LIMITED TIME AFTER DIVORCE.—Two residents of Illinois were married in Indiana within a year after the woman had obtained a divorce in Illinois. By statute in Illinois, and by the terms of the divorce decree, such a marriage was prohibited, and would not have been recognized in Illinois. Subsequently the parties removed to Wisconsin where a similar statute was in force. Upon the death of the "husband," the woman filed a claim under the Wisconsin Workmen's Compensation Act. *Held,* that the marriage was void and that the claimant was not entitled to compensation as the wife of the deceased. *Hall v. Industrial Commission* (1917, Wis.) 162 N. W. 312.

It is the general American rule, based on the policy of giving legal sanction wherever possible to what may be called a marriage in fact, that the *lex loci celebrationis* determines the validity of a marriage. Wharton, *Conflict of Laws* (3d ed.) sec. 127 *et seq.* Accordingly, statutes prohibiting marriage for a specified period after divorce have frequently been construed as applying only to marriages in the same state, and a marriage elsewhere may be held valid even in the prohibiting state. *Estate of Wood* (1902) 137 Cal. 129, 69 Pac. 900; *Dudley v. Dudley* (1911) 151 Ia. 142, 130 N. W. 785; *contra, Lanham v. Lanham* (1908) 136 Wis. 360, 117 N. W. 787; *Wilson v. Cook* (1912) 256 Ill. 460, 100 N. E. 222. Outside the prohibiting state, it is not believed that such a marriage, if valid where

celebrated, has ever before been denied recognition, and this is conceded in the principal case. The decision seems to proceed in part on the theory originally followed by the civil law, which finds some support in the English cases, that capacity to marry is a matter of personal status, to be determined by the law of the domicile. *Cf. Sottomayor v. De Barros* (1877) 3 P. D. 1; *Brook v. Brook* (1861) 9 H. L. Cas. 192. But the question is confused by the emphasis placed on the public policy of the forum, as evidenced by the Wisconsin statutes, and its similarity to the policy of Illinois. If the law of the domicile is the proper criterion, its application can hardly be conditioned on such similarity. And since it was not the public policy of Wisconsin, but the similar policy of Illinois, which the court professedly enforced, the decision cannot be explained on the analogy, which would be strained at best, of cases holding that the distinctive public policy of the forum may deny recognition to certain classes of foreign marriages. *State v. Bell* (1872, Tenn.) 7 Baxt. 9 (miscegenation); *United States v. Rodgers* (1901, D. C. E. D. Pa.) 109 Fed. 886 (consanguinity). The decision might possibly be supported by regarding the situation as similar to that existing before a decree *nisi* has become absolute, and considering the divorce incomplete until the year has expired. This ground also is suggested in the opinion, but no other decided case has been found to support it. See, however, dissenting opinion in *Estate of Wood, supra;* and *cf. McLennan v. McLennan* (1897) 31 Oreg. 480, 50 Pac. 802.

L. F.

CONFLICT OF LAWS—WORKMEN'S COMPENSATION ACT—FOREIGN CONTRACT OF EMPLOYMENT.—The plaintiff, employed under a contract made in Massachusetts, was injured in Connecticut while working within the scope of his employment. Suit was brought in Connecticut under the Connecticut Workmen's Compensation Act. *Held,* that the plaintiff might recover. *Donthwright v. Champlin* (1917) 91 Conn. 524, 100 Atl. 97. See COMMENTS, p. 113.

CONSTITUTIONAL LAW—ADMIRALTY—STATE WORKMEN'S COMPENSATION ACT NOT APPLICABLE TO INJURIES WITHIN ADMIRALTY JURISDICTION.—An employee of a company operating a coastwise steamship line was accidentally killed while engaged in the work of unloading a cargo at a pier in New York. In proceedings under the New York Workmen's Compensation Act, his widow and children received an award which was approved by the New York Court of Appeals. The case was taken by writ of error to the United State Supreme Court. *Held,* that the state compensation act, as applied to matters within admiralty jurisdiction, was in conflict with the grant of exclusive admiralty jurisdiction to the federal courts by the Constitution, and was to that extent invalid, and the award must be set aside. *Southern Pacific Co. v. Jensen* (1917) 37 Sup. Ct. 524. See COMMENTS, next month.

CONSTITUTIONAL LAW—CONSTITUTIONAL CONVENTIONS—LEGISLATURE'S POWER TO CALL.—The plaintiff brought suit for himself and all other